

Remarks

Reconsideration of this Application is respectfully requested. The Specification has been amended to correct minor typographical and editorial errors. Upon entry of the foregoing Amendment to the Claims, claims 9, 13-17, 19-39 are pending in the application, of which claims 9, 16, 23, 24, 25, and 27 are independent. By the foregoing Amendment, claims 9, 16, 17, 19, 23, 24, 25, and 26 are sought to be amended. Claims 1-8, 10-12, and 18 are sought to be cancelled without prejudice or disclaimer. Claims 27-39 are sought to be added. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Rejection under 35 U.S.C. § 102

The Examiner, on page 2 of the Office Action, states that claims 1-6, 9-16, 18, and 20-26 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,367,012 to Atkinson *et al.* (hereinafter “Atkinson”). Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to independent claims 9, 23, and 25, the Examiner states that Atkinson teaches every element of these claims. Applicant respectfully disagrees.

Contrary to the present invention, Atkinson does not teach or suggest every element of Applicant's invention. For example, referring to independent claims 9, 23, and 25, Atkinson does not teach or suggest at least the following claimed elements:

providing a first public key corresponding to the first private key to a control program; and

signing the control program, comprising the script and the first public key, wherein signing the control program comprises encrypting the control program using a second public encryption private key, wherein the second public encryption private key uses a second public key, the signature for the control program for hiding the first public key provided therein.

With respect to independent claims 16 and 24, Atkinson does not teach or suggest at least the following claimed elements:

verifying a public key cryptography signature associated with a control program comprising a script;

decrypting an encrypted hashed value appended to the script for each executable command in the script using a first public key to obtain a decrypted hashed value for each executable command in the script; and

comparing the computed hashed value for each executable command in the script with the corresponding decrypted hashed value for each executable command in the script.

Unlike the present invention, Atkinson does not appear to teach or suggest the use of a control program and, therefore, does not teach or suggest signing a control program. Atkinson also does not teach or suggest decrypting an encrypted hashed value appended to the script for each executable command in the script and, therefore does not teach comparing the decrypted hashed value for each executable command in the script. Instead, Atkinson teaches "... decrypting the digital certificate with the certification agency public key," *See* Atkinson, col. 3, lines 15-19.

For at least these reasons, Applicant respectfully submits that Atkinson does not include each and every element of Applicant's claimed invention recited in independent claims 9, 16, 23, 24, and 25. Therefore, independent claims 9, 16, 23, 24, and 25, and the claims that depend therefrom, are patentable over Atkinson. Reconsideration and withdrawal of this rejection is respectfully requested.

Applicant has cancelled claims 1-6, 10-12, and 18, therefore rendering the rejection under 35 U.S.C. § 102(e) with respect to claims 1-6, 10-12, and 18 moot. Applicant respectfully requests that the rejection with respect to claims 1-6, 10-12, and 18 be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103

The Examiner, on page 8 of the Office Action, states that claims 7-8 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,367,012 to Atkinson in view of U.S. Patent No. 6,324,650 to Ogilvie. Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Applicant has cancelled claims 7-8 without prejudice or disclaimer. Thus, the rejection under 35 U.S.C. § 103(a) with respect to claims 7 and 8 is rendered moot. Applicant respectfully requests that the rejection with respect to claims 7 and 8 be reconsidered and withdrawn.

Claim 17 depends from independent claim 16 and is patentable over Atkinson for at least the reasons stated above. Furthermore, Ogilvie does not teach or suggest the

features missing from Atkinson. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 17.

The Examiner, on page 10 of the Office Action, states that claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,367,012 to Atkinson in view of U.S. Patent No. 6,546,487 to McManis. Claim 19 depends from independent claim 16 and is patentable over Atkinson for at least the reasons stated above. Furthermore, McManis does not teach or suggest the features missing from Atkinson. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 19.

New Claims

New independent claim 27 has been added. New claim 27 is similar to claim 9. Applicant therefore asserts that claim 27 is not anticipated by Atkinson. Applicant also asserts that claim 27 is not obvious over Atkinson in view of Ogilvie and McMannis.

New dependent claims 26-39 depend from independent claims 9, 16, and 27, and are therefore patentable over Atkinson. Furthermore, Ogilvie and McMannis do not teach or suggest the features missing from Atkinson.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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